

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CONOCOPHILLIPS PETROZUATA B.V.,  
CONOCOPHILLIPS HAMACA B.V.,  
CONOCOPHILLIPS GULF OF PARIA B.V.,  
and CONOCOPHILLIPS COMPANY,

*Plaintiffs,*

v.

Case No. 1:22-mc-00464-UNA

BOLIVARIAN REPUBLIC OF  
VENEZUELA,

*Defendant.*

**DECLARATION OF MARCUS J. GREEN**

I, Marcus J. Green, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a lawyer at the law firm of Kobre & Kim LLP, counsel for ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V., and ConocoPhillips Gulf of Paria B.V. (collectively, “ConocoPhillips”) in the above-captioned matter.

2. I make this declaration in support of ConocoPhillips’s Motion for an Order Authorizing the Issuance of a Writ of *Fieri Facias*, dated August 1, 2023 (the “Motion”).

3. I am providing notice of the Motion to the Bolivarian Republic of Venezuela (“Venezuela”) by sending true and correct copies of the Motion and supporting documents via email to:

a. A. Thompson Bayliss and Stephen C. Childs, Abrams & Bayliss LLP, 20 Montchanin Road, Suite 200, Wilmington, DE 19807,  
bayliss@abramsbayliss.com, childs@abramsbayliss.com.

b. Donald B. Verrilli, Jr. and George M. Garvey, Munger, Tolles & Olson LLP, 1155 F Street, NW, Seventh Floor, Washington, D.C. 20004, donald.verrilli@mto.com, george.garvey@mto.com.

4. I am providing notice of the Motion to Petróleos de Venezuela, S.A. (“PDVSA”) by sending true and correct copies of the Motion and supporting documents via email to:

a. Jamie Lynne Brown and Samuel Taylor Hirzel, II, Heyman Enerio Gattuso & Hirzel LLP, 300 Delaware Avenue, Suite 200, Wilmington, DE 19801, jbrown@hegh.law, shirzel@hegh.law.

b. Joseph D. Pizzurro, Kevin A. Meehan, Juan O. Perla, Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, NY 10178, jpizzurro@curtis.com, kmeehan@curtis.com, jperla@curtis.com.

5. I am providing notice of the Motion to non-party PDV Holding, Inc. (“PDVH”) by sending true and correct copies of the Motion and supporting documents via email to:

a. Alexandra M. Cumings and Kenneth J. Nachbar, Morris, Nichols, Arsh & Tunnell LLP, 1201 North Market Street, P.O. Box 1347, Wilmington, DE 19899, acumings@mnat.com, knachbar@mnat.com.

b. Nathan P. Eimer, Eimer Stahl LLP, 224 South Michigan Avenue, Suite 1100, Chicago, IL 60604, neimer@eimerstahl.com.

6. Attached hereto as **Exhibit 1** is ConocoPhillips’ proposed writ of *fieri facias* directed to PDVH.

7. Attached hereto as **Exhibit 2** is ConocoPhillips’ proposed *praecipe* in support of its request that the Clerk of the Court issue the writ of *fieri facias*.

8. Attached hereto as **Exhibit 3** is a true and correct copy of the award entered in favor of ConocoPhillips and against Venezuela in the ICSID arbitration captioned *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venezuela*, ICSID Case No. ARB/07/30 on March 8, 2019 (the “ICSID Award”).

9. On August 19, 2022, the ICSID Award was confirmed and recognized by the United States District Court for the District of Columbia (“the D.C. Court”) and entered as a judgment against Venezuela and in favor of ConocoPhillips (“the DDC Judgment”). That judgment is available on the docket of the above captioned action at D.1. 1-1.

10. Venezuela has made no attempt to pay ConocoPhillips the amounts owed under the DDC Judgment nor expressed any intention to pay.

11. ConocoPhillips attempted to serve the DDC Judgment on Venezuela under the Hague Convention by DHL on September 26, 2022 but was unable to confirm receipt despite DHL delivery records stating that the Judgment was received by Venezuela’s Central Authority in Caracas. ConocoPhillips tried again unsuccessfully to confirm receipt three more times and was unsuccessful each time.

12. On March 27, 2023, ConocoPhillips asked the D.C. Court to take steps to effect diplomatic service of the DDC Judgment pursuant to 28 U.S.C. 1608(a)(4). On March 30, 2023, the Clerk of the D.C. Court mailed two copies of the DDC Judgment, with a translation of each into Spanish, by certified mail, return receipt requested, to the U.S. Department of State, Director of Overseas Citizens Services.

13. On July 13, 2023, the diplomatic service packet was successfully delivered by the U.S. Department of State to the Presidential Commissioner for Foreign Relations of the Bolivarian Republic of Venezuela. Attached hereto as **Exhibit 4** is a letter from the U.S.

Department of State to the Clerk of the D.C. Court confirming service, dated July 18, 2023.

14. Attached hereto as **Exhibit 5** is a true and correct copy of the declaration of Elliot Friedman dated September 30, 2021, filed in *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venez.*, Case No. 1:19-cv-683-CJN (D.D.C.) at docket entry 32-1.

15. Attached hereto as **Exhibit 6** is a true and correct copy of a December 7, 2020 status report filed in *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venez.*, Case No. 1:19-cv-683-CJN (D.D.C.) at docket entry 29.

16. Attached hereto as **Exhibit 7** is a true and correct copy of the Tribunal's Decision on the Applicant's Request to Continue the Stay of Enforcement of the Award, entered in the ICSID Arbitration captioned *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venezuela*, ICSID Case No. ARB/07/30 on November 2, 2020 and docketed in *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venez.*, Case No. 1:19-cv-683-CJN (D.D.C.) at docket entry 29-1.

17. Attached hereto as **Exhibit 8** is a true and correct copy of a Versión Final article titled “Guaidó: ‘El caso ConocoPhillips es absoluta responsabilidad de la dictadura’” dated September 3, 2022, available at <https://versionfinal.com.ve/politica-dinero/guaido-el-caso-conocophillips-es-absoluta-responsabilidad-de-la-dictadura>, along with a certified English translation.

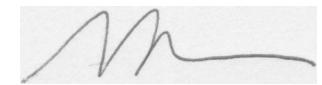
18. Attached hereto as **Exhibit 9** is a true and correct copy of an official statement by the Maduro-led government of Venezuela issued on August 22, 2022, available at <https://mppre.gob.ve/comunicado/venezuela-ratifica-firme-rechazo-decision-conocophillips-venezuela>, along with a certified English translation.

19. Attached hereto as **Exhibit 10** is a true and correct copy of correspondence received from the ICSID Tribunal dated September 29, 2021 confirming that ConocoPhillips has met all requirements for the lifting of a stay of enforcement, filed publicly in *ConocoPhillips Petrozuata B.V., et al. v. Bolivarian Republic of Venez.*, Case No. 1:19-cv-683-CJN (D.D.C.) at docket entry 32-2.

20. The annulment proceedings of the ICSID Award are still pending. ConocoPhillips continues to satisfy the same requirements set out in the above Exhibit 10 for the lifting of the stay of enforcement. Provided these requirements are met, ConocoPhillips has no other restrictions on its efforts to enforce the DDC Judgment while the annulment proceedings remain pending.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 1, 2023 in New York, New York.



Marcus J. Green